

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:06-cv-40
-vs-)	
)	<u>ORDER</u>
SIDNEY J. BAILEY, JR., a/k/a SIDNEY)	
BAILEY,)	
)	
Defendant.)	

Judgment in the above-entitled action was entered on November 22, 2006. The Judgment in part provides that defendant Sidney J. Bailey, a/k/a Sidney Bailey, within fifteen (15) days of entry of the Judgment, shall endorse the check issued by McLaughlin Livestock Auction in the sum of \$13,019.53, which check constitutes proceeds from the sale of livestock. The United States provided defendant Sidney J. Bailey, Jr., with a copy of the judgment requesting his endorsement on the check. Defendant Bailey has failed to endorse the check. Because of defendant Bailey's failure to endorse the check, the United States filed a motion under Rule 70 of the Federal Rules of Civil Procedure seeking an order divesting defendant Bailey of any right, title, or interest in the check, and for authorization of the United States Marshal to endorse the check on behalf of defendant Bailey.

Upon Motion of the United States seeking an order divesting defendant Sidney J. Bailey, Jr., a/k/a Sidney Bailey, of any right, title, or interest in and to McLaughlin Livestock Auction check number 038156, and good cause having been shown,

IT IS HEREBY ORDERED that defendant Sidney J. Bailey, Jr., a/k/a Sidney

Bailey, is divested of having any right, title, or interest in McLaughlin Livestock Auction check number 038156 in the sum of \$13,019.53.

IT IS FURTHER ORDERED that the United States Marshal shall endorse the subject check on behalf of defendant Sidney J. Bailey, Jr., a/k/a Sidney Bailey, and that the proceeds of the check shall be applied to the amount due and owing by defendant Sidney J. Bailey, Jr., a/k/a Sidney Bailey, to the United States pursuant to the Judgment filed on November 22, 2006; and

IT IS FURTHER ORDERED that defendant Sidney J. Bailey, Jr., a/k/a Sidney Bailey, pay to the United States Marshal any and all costs which it incurs in fulfilling compliance of this Order.

Dated this 5th day of January, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court